

REMARKS/ARGUMENTS

The following Remarks are in response to the Office Action mailed June 8, 2007.

In the Office Action, claims 1, 3, 6-13, 15, 18-26, 28, and 31-38 stand rejected under 35 U.S.C. § 103.

Reconsideration in light of the Declaration submitted herewith and the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

In the previous Office Action, claims 1, 3, 6, 8-13, 15, 18-19, and 21-25 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 5,822,123 issued to Davis (hereinafter Davis) in view of U.S. Patent No. 6,314,572 issued to LaRocca (hereinafter LaRocca) and further in view of U.S. Publication No. 2003/0009757 to Kikinis (hereinafter Kikinis '757). Claims 7, 20, 26, 28, and 31-38 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Davis, LaRocca, Kikinis '757 and U.S. Pub. No. 2003/0023980 to Kikinis (hereinafter Kikinis '980).

Reconsideration in light of the remarks made herein is respectfully requested.

Applicants respectfully traverse these rejections because, *inter alia*, Kikinis '757 does not constitute prior art. Applicants submit herewith a Declaration under 37 C.F.R. § 1.131 wherein the inventors declare that the claimed invention was conceived prior to June 19, 2001, the effective provisional filing date of Kikinis '757. A copy of the Western Digital Technologies, Inc., Invention Disclosure pre-dating the June 19, 2001 filing date is also offered into evidence as Exhibit A in conjunction with the Declaration.

Applicants respectfully submit that because Kikinis '757 does not constitute prior art and because the other references, Davis, LaRocca, and Kikinis '980, either alone or in combination, as set forth in the Office Action, do not teach or suggest the limitations of independent claims 1, 13, and 26, that the independent claims are allowable and should be passed to issuance. Further, the dependent claims are allowable for being dependent from allowable base claims.

Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 3, 6-13, 15, 18-26, 28 and 31-38 are allowable over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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Dated: 10/8/2007

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Attachments

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